

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-10 are pending in this paper. Claims 1, 2, and 8-10 are amended. Support for this amendment is provided throughout the Specification, specifically at pages 12 and 23-25 and Figures 3.

No new matter has been introduced. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-10 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,118,754 to Sako et al. (hereinafter, merely “Sako”).

III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“A file generation apparatus for generating a file of first data to be recorded on a recording medium, the file generation apparatus comprising:

...wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data, the first data being either video data or audio data organized according to an edit unit, and

wherein the stuffing data has a KLV structure." (emphasis added)

Applicants respectfully submit that Sako fails to teach or disclose the above-identified features of claim 1. Specifically, nothing is found that teaches or suggests wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data, the first data being either video data or audio data organized according to an edit unit, and wherein the stuffing data has a KLV structure, as recited in claim 1 (emphasis added).

Indeed, claim 1 recites the first data, being converted from a standard AV multiplexing file having frame-based video data and audio data, is in edit units. The above-identified feature of the first data is not disclosed or taught in Sako. Sako merely describes that data are added to the block and does not disclose or suggest a structure of the added data. (see column 21, line 50-column 22, line 14 of Sako).

Therefore, claim 1 is patentable.

For similar, or somewhat similar, in scope to claim 1, Claims 8-10 are therefore patentable for similar, or somewhat similar, reasons.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention,

however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION

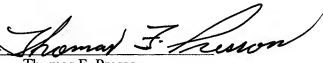
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that all of the claims are in condition for allowance and request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800